

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

ERIC WARE,

V. PLAINTIFF.

GUY PIERCE,
NEDRA CHANDLER, and
CAROLE O'Neal,

DEFENDANTS.

)
) APPEAL FROM THE UNITED STATES
) DISTRICT COURT FOR THE NORTHERN
) DISTRICT OF ILLINOIS.

)
) No. 08-C-50064
)
) FREDERICK J. KAPALA
) Judge

FILED

AUG 21 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

LEAVE TO APPEAL
IN FORMA PAUPERIS

Now come the Plaintiff, Eric Ware, pro se, and moves this honorable court to allow Plaintiff to proceed in this action In Forma Pauperis pursuant to the Federal Appellate Rules of Procedure, 24(a), and he states as follows:

1. The Plaintiff requests for Leave to file an Appeal In Forma Pauperis and has attached an affidavit in support of his Motion requesting such relief above.

WHEREFORE, the Plaintiff seeks Leave from this Court to Appeal In Forma Pauperis.

RESPECTFULLY SUBMITTED:

Eric Ware

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

STATE OF ILLINOIS)
COUNTY OF LEE)

AFFIDAVIT IN SUPPORT OF
LEAVE TO APPEAL IN FORMA PAUPERIS

I, Eric ware, being first duly sworn upon oath deposes and state as follows:

1. I attest that I am at least \$368.45 in negative balance and I cannot afford to proceed in this action due to fees charges and cost.

2. I am not married and I do not pay any child support fees or other payments in that regard. I do not own any assets and all of the \$10.00 state pay is deducted from my account to cover cost of unrelated litigation, your Honor, I am completely busted.

3. I believe that I have a meritorious and non-frivolous claim that I may possibly prevail on.

4. In this Appeal, I intend to present for review, Whether the trial court erred by assessing me with more than one strike in one suit in violation of the separations of powers.

5. I strongly rely on the United States Supreme Court case, Jones V. Bock, 2007, and the cases that the justices cited in that case. I do not believe that our Congress intend for a dismissal of an entire action on the grounds that a party obtained 3 strikes in a suit that was not dismissed previously, a strike occurs when the entire action is frivolous, the court lacks jurisdiction or an individual is immune from suit.

6. I believe that the Seventh circuit Court of Appeals misinterpreted 28 U.S.C. 1915 in assessing several strikes in one suit especially without it being dismissed in its entirety. GEORGE V. SMITH 2007

7. Honorable Judge Kapala, I hope you will find the common ground to allow me to proceed in this Appeal in Forma Pauperis.

FURTHER THE AFFIANT SAYETH NOT

Eric Ware
ERIC WARE R-32516

*Under the penalties of Perjury,
28 USC 1746, Everything
is true and correct to the
best of My ability*

7/27/08